

RULE

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Hospice Licensure Standards (LAC 48:I.8205, 8207, 8217, and 8237)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended the following Rule as authorized by R.S. 40:2181-2191. This Rule is amended in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends the provisions of the December 20, 1998 Rule governing the licensure and regulation of hospice agencies.

Title 48

"PUBLIC HEALTH" GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 82. Minimum Standards for Licensing of Hospice Agencies

Subchapter A. General Provisions

§8205. Survey

A. - A.3. ...

4. If, at the initial licensing survey, an agency has more than five violations of any minimum standards or if any of the violations are determined to be of such a serious nature that they may cause or have the potential to cause actual harm, DHH shall deny licensing.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 15:482 (June 1989), amended LR 24:2260 (December 1998), LR 29:2800 (December 2003).

§8207. Revocation or Denial of Renewal of License

A. The Secretary of DHH may deny an application for a license, or refuse to renew a license or revoke a license in accordance with R.S. 40:2187-2188. An agency's license may not be renewed and/or may be revoked for any of the following:

1. failure to be in substantial compliance with the hospice minimum standards;
2. failure to provide services essential to the palliative care of terminally ill individuals;
3. failure to uphold patient rights whereby violations may result in harm or injury;
4. failure of agency to protect patients/persons in the community from harmful actions of the agency employees; including, but not limited to, health and safety, coercion, threat, intimidation, and harassment;

5. failure to notify proper authorities of all suspected cases of neglect, criminal activity, or mental or physical abuse which could potentially cause harm to the patient;

6. failure to maintain staff adequate to provide necessary services to current active patients;

7. failure to employ qualified personnel;

8. failure to remain fully operational at any time for any reason other than a disaster;

9. failure to submit fees including, but not limited to, annual fee, renewal fee, provisional follow-up fee, or change of agency address or name, or any fines assessed by DHH;

10. failure to allow entry to hospice agency or access to any requested records during any survey;

11. failure to protect patient from unsafe skilled and/or unskilled care by any person employed by the agency;

12. failure of agency to correct violations after being issued a provisional license;

13. agency staff or owner has knowingly, or with reason to know, made a false statement of a material fact in:

a. application for licensure;

b. data forms;

c. clinical record;

d. matter under investigation by the department;

e. information submitted for reimbursement from any payment source;

f. the use of false, fraudulent or misleading advertising;

g. that the agency staff misrepresented or was fraudulent in conducting hospice business;

h. convictions of a felony by an owner, administrator, director of nursing or medical director as shown by a certified copy of the record of the court of conviction of the above individual; or if the applicant is a firm or corporation, of any of its members or officers, or of the person designated to manage or supervise the hospice agency;

14. failure to maintain proper insurance; and

15. failure to comply with all reporting requirements in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 15:482 (June 1989), amended LR 24:2260 (December 1998), LR 29:2800 (December 2003).

Subchapter B. Organization and Staffing

§8217. Personnel Qualifications/Responsibilities

A. - H. ...

1. Qualifications. A licensed practical nurse must be currently licensed by the Louisiana State Board of Practical Nurse Examiners with no restrictions:

a. with at least two years of full time experience as an L.P.N.

H.1.b - O. ...

1. Qualifications. A licensed registered nurse must be currently licensed to practice in the state of Louisiana with no restrictions:

a. have at least two years of full time experience as a registered nurse. However, two years of full time clinical

experience in hospice care as a licensed practical nurse may be substituted for the required two years of experience as a registered nurse;

b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 15:482 (June 1989), amended LR 24:2262 (December 1998), LR 29:2801 (December 2003).

Subchapter D. Administration

§8237. Contract Services

A. - D.9. ...

E. The hospice shall document review of its contracts on an annual basis.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 15:482 (June 1989), amended LR 24:2272 (December 1998), LR 29:2801 (December 2003).

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Secretary

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